

Billing Code: 4333-15

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 37

[Docket No. FWS-R7-NWRS-2017-0072; FF07R00000 1XX FXRS12610700000]

RIN 1018-BC92

Coastal Plain of the Arctic National Wildlife Refuge, Alaska; Geological and Geophysical Exploration Plans; Application Requirements

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of draft environmental assessment.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to amend the regulations regarding the dates when an application may be submitted for a permit for a geological and geophysical exploration plan on the Arctic National Wildlife Refuge lands described in the Alaska National Interest Lands Conservation Act. [This action is an update to our regulations to Comment [BS1]: Or just delete this sentence

allow opportunities for applications to conduct seismic exploration. Further, the ability to collect new information on oil and gas resources will better inform public policy decisions. We are taking this action in support of Executive Order 13783, Promoting Energy Independence and Economic Growth.

Comment [LS2]: Too many words. Get to the point.

Comment [BS3]: This makes it seem as though this was just a regulatory oversight – not changed by the Department's view of the law

Comment [BS4]: Further in the background it is stated that the regs are being re-visited for the ability to collect new scientific information about the Coastal Plain, including its oil and gas resources, will better inform public policy decisions on use and management of the natural resources of the Plain.

Plus the current regs confine the dates by which an applicant can apply to conduct seismic exploration.

DATES: Electronic comments on this proposed rule via <http://www.regulations.gov> must be submitted by 11:59 p.m. Eastern time on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. Comments submitted by mail must be postmarked no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: *Document availability:* The draft environmental assessment prepared in support of this proposed rule may be found at <http://www.regulations.gov> in Docket No. FWS-R7-NWRS-2017-0072. Information and supporting documentation that we receive in response to this proposed rule will be available to you for review at <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Alaska Regional Office, 1011 E. Tudor Rd., Mail Stop 211, Anchorage, AK 99503; telephone (907) 306-7448.

Comment submission: You may submit comments on this proposed rule or the draft environmental assessment by one of the following methods:

(1) Electronically: Go to the Federal eRulemaking Portal: <http://www.regulations.gov>.

Search for FWS-R7-NWRS-2017-0072, which is the docket number for this

rulemaking. You may submit a comment by clicking on “Comment Now!” Please ensure that you have found the correct rulemaking before submitting your comment.

(2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments

Processing, Attn: FWS-R7-NWRS-2017-0072, U.S. Fish and Wildlife Service, MS:
BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We will not accept email or faxes. We will post all comments on

<http://www.regulations.gov>. This generally means that we will post any personal information you provide us. For additional information, see **Request for Comments**, below.

FOR FURTHER INFORMATION CONTACT: Stephanie Brady, National Wildlife Refuge System, Alaska Regional Office, 1011 E. Tudor Rd., Mail Stop 211, Anchorage, AK 99503; telephone (907) 306-7448; fax (907) 786-3976; stephanie_brady@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The Arctic National Wildlife Refuge (hereafter, Arctic Refuge), located in northeastern Alaska, is administered by the U.S. Fish and Wildlife Service (Service). The Arctic Refuge was first established in 1960 as the Arctic National Wildlife Range through Public Land Order 2214, for the purpose of preserving unique wildlife, wilderness, and recreational values. The original 8.9-million-acre Range was withdrawn from all forms of appropriation under public land laws, including mining, but not from mineral leasing.

The Arctic Refuge was expanded to 19 million acres with the enactment of the Alaska National Interest Lands Conservation Act (ANILCA) (Public Law 96-487; 16 U.S.C. 410hh-

3233, 43 U.S.C. 1602–1784). Section 303(2) of Public Law 96–487 set forth that the purposes for which the Arctic Refuge was established and should be managed include:

(i) to conserve fish and wildlife populations and habitats in their natural diversity

including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears, muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

Under ANILCA, the Service was to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic Refuge. This effort was to include an analysis of the impacts of oil and gas exploration, development, and production, and the Service was directed to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources (16 U.S.C. 1342). The “coastal plain” was defined in section 1002 of Public Law 96–487 by a map entitled “Arctic National Wildlife Refuge,” dated August 1980 (Figure 1). Biological studies and geological exploration coordinated by the Service, U.S. Geological Survey (USGS), and Bureau of Land Management (BLM) were initiated shortly after enactment of the Act. In April 1982, the Service completed the initial report summarizing

Comment [LS5]: “to provide for” sounds awkward. “to conduct” may be better?

known information about fish and wildlife and their habitats occurring on the Arctic Refuge coastal plain (hereafter referred to as “the section 1002 area”).

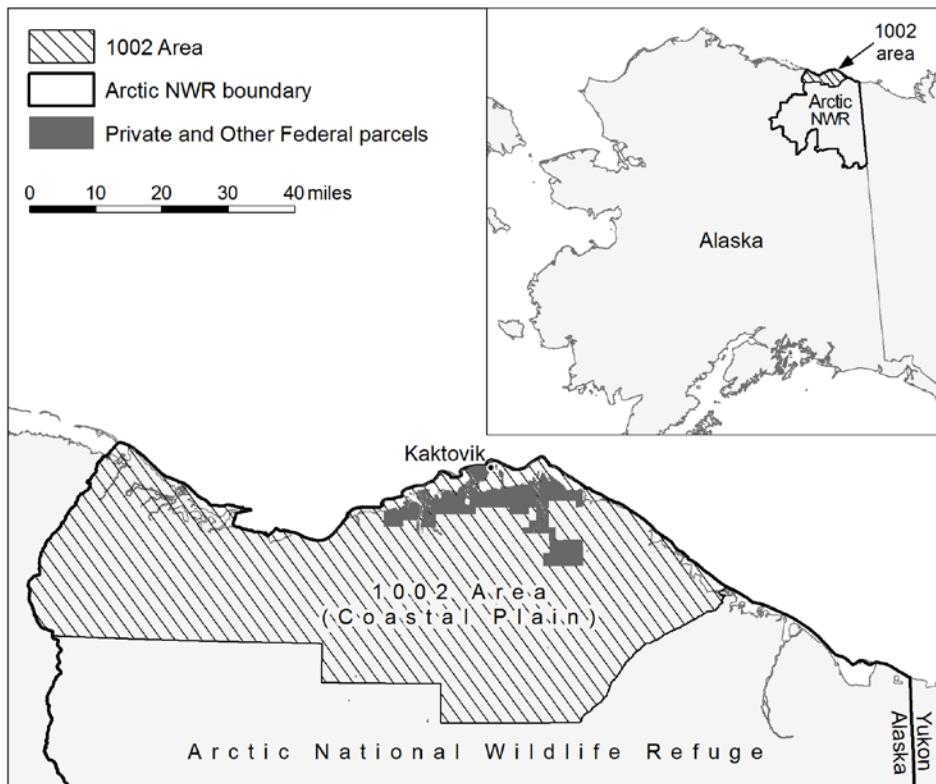


Figure 1. Arctic National Wildlife Refuge showing the coastal plain and section 1002 area.

Section 1002(d) of Public law 96-487 directed the Secretary of the Interior to establish guidelines for exploration through regulations within 2 years after enactment of the Act. In 1982, the Service published a proposed rule to establish guidelines for carrying out exploratory activities on the coastal plain of the Arctic Refuge (47 FR 41060, September 16, 1982). Publication of the proposed regulations had been delayed as a result of the litigation over the decision in March 1981 to transfer responsibility for developing the guidelines from the Service

to the USGS. *See Trustees for Alaska v. Watt*, 524 F. Supp. 1303 (D. Alaska 1981), *aff'd per curiam*, 690 F.2d 1279 (9th Cir. 1982). The final rule with the regulations along with the “Record of Decision for Oil and Gas Exploration Within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska” (ROD) was published April 19, 1983 (48 FR 16858) with the regulations being codified as 50 CFR part 37. The ROD was based upon the Final Environmental Impact Statement, which had been filed with the Environmental Protection Agency on February 23, 1983, and made available to the public on March 4, 1983. The guidelines were subsequently revised to change the deadlines for submission of exploration plans to the Department for consideration. *See* 49 FR 7569 (March 1, 1984).

Plans were submitted to the Service in accordance with the regulations with plans for summer access by helicopter during 1983–85 being then approved. *See* U.S. Dept. of the Interior, Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement, Vol. 1 at 3 (April 1987) (“Section 1002 Report”). The summer exploratory activities were limited to field observations, surface measurements, mapping, and collection of rock samples. One helicopter-supported gravity survey permit was issued for the summer of 1983. Winter exploration plans involving mechanized surface transportation to conduct seismic surveys were approved for the winters of 1983–84 and 1984–85(Section 1002 Report). One permittee, representing an industry group of over 20 companies, was issued a permit to collect the seismic data. More than 1,300 line miles of seismic data were acquired as a result of the winter exploratory activities during the two winters(Section 1002 Report). No exploratory activities of this type have occurred in the Arctic Refuge Coastal Plain since 1985.

The Section 1002 Report was submitted to Congress in April 1987. The report recommended that the entire Arctic Refuge coastal plain be made available for oil and gas leasing(Section 1002(h) Report). The submittal was delayed 7 months past the statutory deadline by a court ruling requiring the Secretary to seek public participation in preparation of the legislative environmental impact statement accompanying the report. *See Trustees for Alaska v. Hodel*, 806 F.2d 1378 (9th Cir. 1986).

The Service has historically interpreted the authorization to conduct exploratory activities under section 1002 to have expired with the submittal of the section 1002(h) report to Congress. The legal underpinnings for this position were set out in a January 18, 2001, memorandum to Secretary Bruce Babbitt from Solicitor John Leshy (2001 Memorandum) responding to a letter from Congressman Edward Markey asking what oil and gas related activities are currently allowed or prohibited on the coastal plain of the Arctic Refuge. While opining that the authority expired with submittal of the April 1987 report to Congress, the 2001 Memorandum noted that there were two possible answers to the question because of the wording of section 1002.

Comment [BS6]: We do not interpret – SOL interpret. Can this be re-worded?

The legal interpretation, that the authority to authorize further exploration activities under section 1002 expired in 1987, was tested when the State of Alaska sued the Department of the Interior in 2015. *State of Alaska v. Sally Jewell, et al.*, No. 3:14-cv-00048-SLG (D. Alaska). In that suit, the State of Alaska appealed the Service denial of the State's permit request to conduct exploratory work on the Coastal Plain arguing that there was no cutoff of authority in section 1002. In affirming the Service's rejection of the application based upon the interpretation of section 1002 articulated in the 2001 Memorandum, the Court applied the two-step process established by the U.S. Supreme Court in *Chevron U.S.A. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). Applying the first step, the Court concluded that section 1002 was

Comment [LS7]: Should these words be capped?

ambiguous as to whether additional exploration work was authorized under section 1002, a position advanced by the United States in its briefing. The Court then considered the Service's interpretation of section 1002 and concluded it was a permissible construction. In so finding, the court noted that the Service's construction is not the only permissible interpretation or necessarily the Court's.

It is well established that a department is not bound by prior interpretations of statutes and that it may make changes. Prior interpretations of ANILCA section 1002 focused on the deadline for a report to Congress

Comment [LS8]: Again, this is capped but not previously.

This continuing authority recognizes that new and better technology is likely to be developed that can be put to use to expand human knowledge and understanding of the many natural resources of the Coastal Plain. The ability to collect new scientific information about the Coastal Plain, including its oil and gas resources, will better inform public policy decisions on use and management of the natural resources of the Coastal Plain. Without the authority to do further exploration work, the scientific knowledge about the subsurface resources of the Coastal Plain will be limited to what was learned over 30 years ago. Decisions on management and best use of all of the resources on the Coastal Plain will therefore not be informed by the latest and best scientific information.

Comment [LS9]: Capped? Should it be Coastal Plain?

Comment [BS10]: This applies to the above section regarding why we are doing this

The long-term national defense and security of the nation is dependent upon reliable and secure sources of domestic energy resources. President Trump in his March 28, 2017, Executive Order, Promoting Energy Independence and Economic Growth, placed specific emphasis on the need to develop energy resources when he stated:

Section 1 Policy. (a) It is in the national interest to promote clean and safe development of the Nation's vast energy resources, while at the same time avoiding regulatory burdens that

unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.

Central to meeting the goal of developing the country's natural resources in a responsible manner to ensure the Nation's geopolitical security is having and considering the best and latest information about the oil and gas resources of the Coastal Plain that science and technology can provide. There have been many advances in geophysical sciences since the 1980's that can today be utilized to further advance the level of knowledge about the oil and gas resources of the Coastal Plain beyond what was learned from exploration work done over 30 years ago. It would be imprudent to make important decisions for development and implementation of plans for securing oil and gas resources and maintaining energy infrastructure such as the Trans Alaska Pipeline System over the long term without securing and utilizing the knowledge that can be gleaned from new modern exploration work on the Coastal Plain. In addition to informing long-term energy security planning, the availability of this new data will further the Service's resource management of the Coastal Plain.

Proposed Changes

In this document, we propose to change the regulations found at 50 CFR part 37 by removing language that restricts the timeframe in which a special use permit to conduct exploratory activities may be issued.

Request for Comments

You may submit information concerning this proposed rule or the draft environmental assessment by one of the methods listed in **ADDRESSES**. We will not accept comments sent by e-mail or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via <http://www.regulations.gov>, your entire submission — including any personal identifying information, such as your address, phone number, or e-mail address—will be posted on the Web site. If your submission is made via a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to “review other programs administered by him (or her) and utilize such programs in furtherance of the purposes of the Act” and to “insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat” Prior to issuance of these regulations, we would consult under section 7 of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 et seq.), to ensure that any applications for exploration in the section 1002 area of the Arctic Refuge are not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitat, and that the regulations are consistent with conservation programs for those species. Consultation under section 7 of the Act for the regulations may cause us to change these proposed regulations. Our biological opinion resulting from the section 7 consultation will be a

public document available from the person listed under **FOR FURTHER INFORMATION CONTACT** or via <http://www.regulations.gov> in Docket No. FWS-R7-NWRS-2017-0072.

Required Determinations

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This proposed rule is considered to be an Executive Order (E.O.) 13771 deregulatory action (82 FR 9339, February 3, 2017) because it would amend regulations that currently restrict the dates when a permit application for an exploration plan for the Arctic Refuge would be allowed.

Regulatory Planning and Review (Executive Order 12866 and 13563)

The Office of Management and Budget (OMB) has determined that this rule is not significant. OMB bases its determination upon the following four criteria:

- (a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.
- (b) Whether the rule will create inconsistencies with other agencies' actions.
- (c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.
- (d) Whether the rule raises novel legal or policy issues.

The proposed rule would remove the regulations that restrict the dates when a permit application may be submitted for a geophysical exploration plan on the section 1002 area in the Arctic Refuge. Thus, this rule would open the process to accept oil exploration applications for

the section 1002 area. Under the proposed rule as an administrative action, potential costs would be limited to application costs incurred by companies choosing to submit applications and by the Service to process the applications.

This analysis is limited in scope and addresses only the administrative action by the Service to accept and review new exploration plans in the Arctic Refuge. Therefore, this analysis does not evaluate costs and benefits related to the issuance of special use permits for specific exploration plans as the details of those plans are currently unknown, and the analysis would be speculative in regards to methods, location, and timing of the exploration activities.

Furthermore, the review and approval process for a special use permit in the Arctic Refuge must undergo a separate process under the National Environmental Policy Act (NEPA). ~~Geological exploration and assessment undertakings under the NEPA process could include a number of activities such as seismic testing, aerial surveying, road construction, and more.~~ These exploratory activities have potential impacts including, but not limited to: polar bear viewing tourism, subsistence hunting (especially caribou) by residents, and cultural use by Alaska Natives. Furthermore, “available information indicates that any ANWR oil would be scattered among multiple smaller fields rather than concentrated in a single large field, which would make development more expensive and potentially expand the area in which any environmental effects might occur” (Congressional Research Service 2015).

Measures such as Secretarial Order No. 3352 have occurred to move forward toward energy development in the Arctic Refuge (Department of the Interior May 2017). However, Section 1003 of ANILCA states “production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas

Formatted: Strikethrough

Comment [BS11]: We are speculating what activities would be proposed – we think this should be removed

Formatted: Strikethrough

Comment [LS12]: Should we put (Arctic Refuge) behind this? First time ANWR is used in this doc.

from the [Refuge] shall be undertaken until authorized by an act of Congress.” Therefore, this analysis does not estimate the potential costs and benefits of oil drilling and extraction.

With this proposed rule, we solicit public input on potential economic impacts and the number of businesses affected to help quantify costs and benefits. Please see the **Request for Comments** section at the end of **SUPPLEMENTARY INFORMATION** for further information about submitting comments.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions) (5 U.S.C. 601 et seq.). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for “significant impact” and a threshold for a “substantial number of small entities.” See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

The U.S. Small Business Administration (SBA) defines a small business as one with annual revenue or employment that meets or is below an established size standard. To assess the effects of the proposed rule on small entities, we focus on businesses that operate and/or develop

oil gas field properties (North American Industry Classification System (NAICS) 211) that have fewer than 500 employees. According to the U.S. Census Bureau, there are 8,064 businesses under NAICS 211, of which over 99 percent qualify as small businesses (2012). Thus, we expect that most entities that may apply for a special use permit would be considered small as defined by the SBA.

Under the proposed rule, individual businesses would have the opportunity to submit applications for a geological and geophysical exploration plan on the section 1002 area in the Arctic Refuge. Although estimating the number of potential future applicants would be speculative, the last seismic survey (completed in 1985) was conducted by 27 companies under 1 permit. If 27 individual companies applied for separate special use permits under the proposed rule, this would represent less than 1 percent of small businesses.

We therefore certify that this proposed rule would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

Small Business Regulatory Enforcement Fairness Act

This proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Would not have an annual effect on the economy of \$100 million or more.
- b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, tribal, or local government agencies; or geographic regions.

- c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we have determined the following:

- a. This rule would not “significantly or uniquely” affect small governments. A small government agency plan is not required. Actions under the proposed rule would not affect small government activities in any significant way.
 - b. This rule would not produce a Federal mandate of \$100 million or greater in any year.
- It would not be a “significant regulatory action” under the Unfunded Mandates Reform Act.

Takings (Executive Order 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. A takings implication assessment is not required. This proposed rule does not contain a provision for taking of private property.

Federalism (Executive Order 13132)

This proposed rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact assessment under E.O. 13132. It would not interfere with the ability of States to manage themselves or their funds. This proposed rule, if adopted, would affect the

geological exploration of the coastal plain of the Arctic Refuge, which is managed by the Service in Alaska, and would not have a substantial direct effect on State or local governments in Alaska.

Civil Justice Reform (Executive Order 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act

This rule does not contain any new collection of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with Service Special Use Permit Applications (FWS Form 3-2469) and assigned OMB Control Number 1018-0162 (expires December 31, 2019). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

Our draft environmental assessment is part of the administrative record for this proposed rule. In accordance with the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) and part 516 of the U.S. Department of the Interior Manual (516 DM), the Service proposes amending the existing language in 50 CFR Part 37—Geological and Geophysical Exploration of the Coastal Plain, Arctic National Wildlife Refuge, Alaska, related to exploration plans [50 CFR

37.21(b) and (c)], to remove the date restrictions now in place for those plans. Our draft environmental assessment sets forth that the proposed action to change the regulatory language as described in the rule portion of this document will have no significant impacts on the environment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we will evaluate the potential effects on federally recognized Alaska Native tribal governments and Alaska Native corporations through a 810 analysis. This rule would not interfere with the ability of Tribes to manage themselves or their funds or to regulate exploration activities on Tribal lands. However, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis, and we are seeking their input to evaluate this proposed rule. In addition, we have evaluated this proposed rule under Alaska Native Claims Settlement Act corporation policies. We will consult with Alaska Native tribes and Alaska Native corporations regarding the proposed changes in this rule for the Arctic Refuge.

Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Comment [BS13]: We do not like the wording of this – we have not evaluated the potential effects – we have not completed a 810 analysis -
Formatted: Highlight
Formatted: Highlight

Comment [BS14]: We have not consulted on this rulemaking -

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking actions that could have significant adverse effects on energy supply, distribution, or use. We believe that the rule could have positive effects on energy supplies, distribution, or use.

Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Clarity of This Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**, above. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

List of Subjects in 50 CFR Part 37

Administrative practice and procedure, Alaska, Environmental protection, Historic preservation, Oil and gas exploration, Penalties, Reporting and recordkeeping requirements, Surety bonds, and Wildlife refuges.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 37 of title 50 of the Code of Federal Regulations as set forth below:

PART 37—GEOLOGICAL AND GEOPHYSICAL EXPLORATION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

1. The authority citation for part 37 is revised to read as follows:

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 715s and 3142; and 31 U.S.C. 9701.

2. Amend § 37.21 by revising paragraphs (b) and (c) to read as follows:

§ 37.21 Application requirements.

* * * * *

(b) Any person wanting to conduct exploratory activities may apply for a special use permit by submitting for review and processing one or more written exploration plans, in triplicate, to the Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

(c) In addition to containing the information required in paragraph (d) of this section, any exploration plan submitted shall describe the applicant's plan for carrying out an integrated program of exploratory activities in such a manner as will satisfy the objective and limitations stated in § 37.1. If an applicant submits an exploration plan in any given year, with the intention of submitting another exploration plan the following year, the applicant shall describe in its initial plan how its future exploratory activities will be integrated with those proposed under its initial plan. Each exploration plan submitted must be published and be the subject of a public hearing in accordance with requirements of § 37.22(b).

* * * * *

§ 37.52 [Amended]

3. Amend § 37.52 by:

a. In the first sentence, removing the period and adding in its place a comma and the words “for 3 years from the date the permittee submits the data and information to the Regional Director pursuant to § 37.53.”; and

b. In the second sentence, removing the words “Until September 2, 1989, the” and adding in their place the word “The”.

Dated: _____.

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.